

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>CASE NO: 1:07-CR-18-WLS</b>
	:	
<b>FRANK RUSSELL McCOY</b>	:	
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**Government's Response to Defendant's Motion to Strike**

Comes Now the United States of America, by and through the United States Attorney for the Middle District of Georgia, and hereby responds as follows:

Defendant moves to strike the Government's Response to Defendant's Motion to Dismiss the Indictment for Failure to State an Offense on the ground that Exhibit 3 (NCMEC Report) (filed on December 29, 2008) was filed in violation of the Court's December 9, 2008 Order requiring that any textual stories be filed under seal or with prior permission of the Court.

The Government's filing of Exhibit 3 was in error. That error has been corrected and Exhibit 3 is now sealed. The Defendant's Motion to Strike is moot.

RESPECTFULLY SUBMITTED, this 30th day of December, 2008.

MAXWELL WOOD  
UNITED STATES ATTORNEY

/s/ Jim Crane

JIM CRANE

ASSISTANT U. S. ATTORNEY

DAMON KING

DEPUTY CHIEF

U.S. DEPARTMENT OF JUSTICE

CHANTEL FEBUS

TRIAL ATTORNEY

U.S. DEPARTMENT OF JUSTICE

**CERTIFICATE OF SERVICE**

This is to certify that I have on December 30, 2008, electronically filed the foregoing Government's Response to Defendant's Motion to Dismiss the Indictment for Failure to State an Offense with the clerk of Court using the CM/ECF system which will send notification of such to all counsel of record.

RESPECTFULLY SUBMITTED, this 30th day of December, 2008.

/s/ Jim Crane

JIM CRANE

ASSISTANT U. S. ATTORNEY

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